

Exhibit 4

Attention: Megan Stilley

From: Donald E Taylor
498 E Pleasant Hill Rd
Pink Hill NC 28572
252 560 3503

JAN 26 2011

PLAN OF ACTION (PoA) FOR HIGH FREEBOARD AT ANIMAL FACILITIES

Facility Number: 52-2 County: Jones

Facility Name: Banks Farm

Certified Operator Name: Donald Taylor Operator #: 17314

1. Current liquid level(s) in inches as measured from the current liquid level in the lagoon to the lowest point on the top of the dam for lagoons without spillways; and from the current liquid level in the lagoon to the bottom of the spillway for lagoons with spillways.

Structure 1 Structure 2 Structure 3 Structure 4 Structure 5 Structure 6

Lagoon Name/Identifier (ID): 1 2 3

Spillway (Yes or No): No No No

Level (inches): 21 18 18

2. Check all applicable items

- ☐ Liquid level is within the designed structural freeboard elevations of 5 feet and 30 day acceptable
- ☒ Liquid level 17 feet above the 30 day Plan of Action
- ☐ Waste is to be pumped and applied to the land proposed site. Contact and information to a site not available
- ☐ Operation will be conducted in accordance with the following: - attach a copy of the Plan of Action - if animals are present, a freeboard level will be maintained
- ☐ A 30 day Plan of Action will be developed and submitted to the Department of Agriculture for review
- ☐ A list of the information. fer of waste

3. Earliest possible date to begin land application of waste: 1/26/11

I hereby certify that I have reviewed the information listed above and included within the attached Plan of Action, and to the best of my knowledge and ability, the information is accurate and correct.

Donald Taylor Phone: 252-560-3503
Facility Owner/Manager (print)

Donald E. Taylor Date: 1-26-2011
Facility Owner/Manager (signature)

II. TOTAL POUNDS OF PAN STORED WITHIN STRUCTURAL FREEBOARD AND/OR 25 YR./24 HR. STORM STORAGE ELEVATIONS IN ALL WASTE STRUCTURES FOR FACILITY

1. Structure ID: 1 (17-20) line m = 56.8 lb PAN
 2. Structure ID: 2 (11-16) line m = 226.4 lb PAN
 3. Structure ID: 3 (1-10) line m = 240.7 lb PAN
 4. Structure ID: _____ line m = _____ lb PAN
 5. Structure ID: _____ line m = _____ lb PAN
 6. Structure ID: _____ line m = _____ lb PAN

n. lines 1 + 2 + 3 + 4 + 5 + 6 = 523.9 lb PAN

III. TOTAL PAN BALANCE REMAINING FOR AVAILABLE CROPS DURING 30 DAY DRAW DOWN PERIOD. DO NOT LIST FIELDS TO WHICH PAN CANNOT BE APPLIED DURING THIS 30 DAY PERIOD.

o. tract #	p. field #	q. crop	r. acres	s. remaining IRR 2 PAN balance (lb/acre)	t. TOTAL PAN BALANCE FOR FIELD (lbs.) column r x s	u. application window ¹
	1	WHEAT	1.85			9/1 - 3/31
	2	WHEAT	2.72			9/1 - 3/31
	3	WHEAT	4.16			9/1 - 3/31
	4	WHEAT	5.30			9/1 - 3/31
	5	WHEAT	4.86			9/1 - 3/31
	6	WHEAT	4.92			9/1 - 3/31
	7	WHEAT	4.32			9/1 - 3/31
	8	WHEAT	4.32			9/1 - 3/31
	9	WHEAT	4.32			9/1 - 3/31
	10	WHEAT	4.32			9/1 - 3/31
	11	WHEAT	4.99			9/1 - 3/31
	12	WHEAT	4.99			9/1 - 3/31
	13	CORN	4.81	30.00	144.3	2/15-6/30
	14	CORN	4.81	30.00	144.3	2/15-6/30
	15	CORN	4.24	30.00	127.2	2/15-6/30
	16	CORN	4.24	30.00	127.2	2/15-6/30
	17	CORN	3.98	30.00	119.4	2/15-6/30
	18	CORN	3.98	30.00	119.4	2/15-6/30
	19	CORN	5.08	30.00	152.4	2/15-6/30
	20	CORN	2.18			2/15-6/30
	21	CORN	2.72			2/15-6/30
	22	CORN	3.25			2/15-6/30
	R27-R30	CORN	2.53	30.00	75.9	2/15-6/30
	R36-R37	CORN	1.26	30.00	37.8	2/15-6/30
	R31-R35	CORN	1.58	30.00	47.4	2/15-6/30
	R38-R41	CORN	1.26	30.00	37.8	2/15-6/30
	R43-R44	CORN	0.63	30.00	18.9	2/15-6/30
	R42	CORN	0.63	30.00	18.9	2/15-6/30

	R13-19,R21	CORN	5.05		2/15-6/30
	R1,R5-R12	CORN	5.68		2/15-6/30
	R9-R10	CORN	0.63		2/15-6/30
	R20,R24-26	CORN	2.44		2/15-6/30
	R4	CORN	0.47		2/15-6/30
	R22	CORN	0.47		2/15-6/30

¹State current crop ending application date or next crop application beginning date for available receiving crops during 30 day draw down period.

v. Total PAN available for all fields (sum of column t) = 1170.9 lb. PAN

IV. FACILITY'S PoA OVERALL PAN BALANCE

w. Total PAN to be land applied (line n from section II) = 523.9 lb. PAN
 x. Crop's remaining PAN balance (line v from section III) = 1170.9 lb. PAN
 y. Overall PAN balance (w - x) = -647 lb. PAN

Line y must show as a deficit. If line y does not show as a deficit, list course of action here including pump and haul, depopulation, herd reduction, etc. For pump & haul and herd reduction options, recalculate new PAN based on new information. If new fields are to be included as an option for lowering lagoon level, add these fields to the PAN balance table and recalculate the overall PAN balance. If animal waste is to be hauled to another permitted facility, provide information regarding the herd population and lagoon freeboard levels at the receiving facility.

NARRATIVE:

Operation able to meet PAN deficit because ample balances are left on the 2010-2011 wheat. Currently sprayfields are saturated with more rain forecasted within the next 48 hours. Wheat crop was late getting planted because of wet field conditions. Personnel from DSWC, DWQ, & NCDA visited farm last week and recommended to apply 30-Lbs of N per ac. at this time. Wheat will need to be revaluated at a later date to determine if more N can be added. Mr. Taylor plans to begin irrigation on 1/26/10 if no more rainfall occur.

Ownership of the farm changed in December 2010. Mr. Donald Taylor is the new owner.

Lagoon level records show on 1/20/11 that lagoon 1 at 21 inches; lagoon 2 at 18 inches; and lagoon 3 at 18 inches.

Lagoon level measurements are based on levels reported by Mr. Donald Taylor. DSWC did not confirm levels due to bio-security. This 30 day Plan of Action prepared by Keith Metts with the Jones Co. SWCD.

**PLAN OF ACTION (PoA) FOR HIGH FREEBOARD AT ANIMAL FACILITIES
30 DAY DRAW DOWN PERIOD**

I. TOTAL PAN TO BE LAND APPLIED PER WASTE STRUCTURE

1. Structure Name/Identifier (ID): 1 (17-20)

2. Current liquid volume in 25 yr./24 hr. storm storage & structural freeboard
 - a. current liquid level according to marker 21.0 inches
 - b. designed 25 yr./24 hr. storm & structural freeboard 19.5 inches
 - c. line b - line a (inches in red zone) = -2 inches
 - d. top of dike surface area according to design
(area at below structural freeboard elevation) 49010 ft²
 - e. line c/12 x line d x 7.48 gallons/ft³ -45824 gallons

3. Projected volume of waste liquid produced during draw down period
 - f. temporary storage period according to structural design 180 days
 - g. volume of waste produced according to structural design 55221.2 ft³
 - h. current herd # 2830 certified herd # 2880
 actual waste produced = $\frac{\text{current herd \#} \times \text{line g}}{\text{certified herd \#}}$ = 54262 ft³
 - i. volume of wash water according to structural design 0 ft³
 - j. excess rainfall over evaporation according to design 29942.5 ft³
 - k. (lines h + i + j) x 7.48 x **30** days/line f = 104976 gallons

4. Total PAN to be land applied during draw down period
 - l. current waste analysis dated 11/18/2010 0.96 lbs/1000 gal.
 - m. ((lines e + k)/1000) x line l = 56.8 lbs. PAN

REPEAT SECTION I FOR EACH WASTE STRUCTURE ON SITE.
 (Click on the next Structure tab shown below)

**PLAN OF ACTION (PoA) FOR HIGH FREEBOARD AT ANIMAL FACILITIES
30 DAY DRAW DOWN PERIOD**

I. TOTAL PAN TO BE LAND APPLIED PER WASTE STRUCTURE

1. Structure Name/Identifier (ID): 2 (11-16)

2. Current liquid volume in 25 yr./24 hr. storm storage & structural freeboard
 - a. current liquid level according to marker 18.0 inches
 - b. designed 25 yr./24 hr. storm & structural freeboard 19.5 inches
 - c. line b - line a (inches in red zone) = 1.5 inches
 - d. top of dike surface area according to design
(area at below structural freeboard elevation) 111371 ft²
 - e. line c/12 x line d x 7.48 gallons/ft³ 104132 gallons

3. Projected volume of waste liquid produced during draw down period
 - f. temporary storage period according to structural design 180 days
 - g. volume of waste produced according to structural design 131871.6 ft³
 - h. current herd # 4135 certified herd # 4000

$$\text{actual waste produced} = \frac{\text{current herd \#} \times \text{line g}}{\text{certified herd \#}} = \frac{4135 \times 131871.6}{4000} = \text{136322 ft}^3$$
 - i. volume of wash water according to structural design 0 ft³
 - j. excess rainfall over evaporation according to design 87935.9 ft³
 - k. ((lines h + i + j) x 7.48 x 30 days/line f = 279575 gallons

4. Total PAN to be land applied during draw down period
 - l. current waste analysis dated 11/18/2010 0.59 lbs/1000 gal.
 - m. (((lines e + k)/1000) x line l = 226.4 lbs. PAN

REPEAT SECTION I FOR EACH WASTE STRUCTURE ON SITE.
(Click on the next Structure tab shown below)

**PLAN OF ACTION (PoA) FOR HIGH FREEBOARD AT ANIMAL FACILITIES
30 DAY DRAW DOWN PERIOD**

I. TOTAL PAN TO BE LAND APPLIED PER WASTE STRUCTURE

1. Structure Name/Identifier (ID): 3 (1-10)

2. Current liquid volume in 25 yr./24 hr. storm storage & structural freeboard
 - a. current liquid level according to marker 18.0 inches
 - b. designed 25 yr./24 hr. storm & structural freeboard 19.8 inches
 - c. line b - line a (inches in red zone) = 1.8 inches
 - d. top of dike surface area according to design
(area at below structural freeboard elevation) 132258 ft²
 - e. line c/12 x line d x 7.48 gallons/ft³ 148393 gallons

3. Projected volume of waste liquid produced during draw down period
 - f. temporary storage period according to structural design 180 days
 - g. volume of waste produced according to structural design 313941.2 ft³
 - h. current herd # 385470 certified herd # 768600
 actual waste produced = $\frac{\text{current herd \#}}{\text{certified herd \#}} \times \text{line g} =$ 157448 ft³
 - i. volume of wash water according to structural design 0 ft³
 - j. excess rainfall over evaporation according to design 102159.8 ft³
 - k. (lines h + i + j) x 7.48 x 30 days/line f = 323645 gallons

4. Total PAN to be land applied during draw down period
 - l. current waste analysis dated 11/18/2010 0.51 lbs/1000 gal.
 - m. ((lines e + k)/1000) x line l = 240.7 lbs. PAN

REPEAT SECTION I FOR EACH WASTE STRUCTURE ON SITE.
 (Click on the next Structure tab shown below)